

FILED**United States District Court, Northern District of Illinois****OCTOBER 13, 2011****MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

Name of Assigned Judge or Magistrate Judge	Virginia M. Kendall	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	11 C 7195	DATE	
CASE TITLE	U.S. ex rel. Jermaine Evans (#R-43828) v. Dave Rednour		

DOCKET ENTRY TEXT:

The Clerk is directed to amend the caption of this case to reflect that Dave Rednour, Warden of Menard Correctional Center, is the proper Respondent. Respondent is ordered to answer the petition or otherwise plead within thirty days of the date of this order.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Jermaine Evans, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 2004, Cook County, Illinois, conviction for first degree murder. (Cook County Criminal Court No. 02 CR 12027). Petitioner alleges that he had ineffective assistance of counsel, that he was subject to a violation of his right to raise a defense, and violation of his right to due process.

Petitioner has paid the statutory filing fee.

Petitioner indicates that he has exhausted state court remedies with respect to the claims raised in his federal habeas petition; furthermore, he appears to have filed his petition in a timely manner. Accordingly, Respondent is ordered to answer the petition or otherwise plead within thirty days of the date this order is entered on the Clerk's docket. This preliminary order to respond does not, of course, preclude the State from making whatever waiver, exhaustion or timeliness arguments it may wish to present.

Petitioner is instructed to file all future papers concerning this action with the Clerk of Court in care of the Prisoner Correspondent. Petitioner must provide the Court with the original plus a judge's copy (including a complete copy of any exhibits) of every document filed. In addition, Petitioner must send an exact copy of any court filing to the Chief, Criminal Appeals Division, Attorney General's Office, 100 West Randolph Street, 12th Floor, Chicago, Illinois 60601. Every document filed by Petitioner must include a certificate of service stating to whom exact copies were sent and the date of mailing. Any paper that is sent directly to the judge or that otherwise fails to comply with these instructions may be disregarded by the Court or returned to Petitioner.

AWL

STATEMENT (continued)

Finally, the proper respondent in a § 2254 action is the warden of the prison where the petitioner is confined. *Moore v. Pemberton*, 110 F.3d 22, 23 (7th Cir. 1997); *Hogan v. Hanks*, 97 F.3d 189, 190 (7th Cir. 1996); *see also* Rule 2(a) of the Rules Governing Section 2254 Cases. Accordingly, the Clerk is directed to amend the caption of the complaint to reflect that Warden Dave Rednour of Menard Correctional Center is the Respondent.